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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,937	07/09/2001	Akhter Akhterzaman	LUC-309/Akhterzaman	7473
32205	7590	05/05/2008	37-	
PATTI, HEWITT & AREZINA LLC				
ONE NORTH LASALLE STREET				
44TH FLOOR				
CHICAGO, IL 60602				
EXAMINER				
PEREZ, ANGELICA				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
05/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/900,937

Applicant(s)

AKHTERZAMAN ET AL.

Examiner

Perez M. Angelica

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

SUPPLEMENTARY DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 28-35 have been considered but are moot in view of the new ground(s) of rejection.

2. In the remarks dated 11/28/2007, the applicant argues in substance:

(A) Page 7 reads, "...it does not satisfy the stated limitation of receiving signals from a supporting exchange that contained predetermined designated geographical areas. Applicant has reviewed the teachings of Kowaguchi especially with regard to the transmission inhibition area table 216 and has found no teaching that the contents of table 216 were obtained from signals received by the mobile. There is nothing about the presence of information in table 216 that would inherently require that such information in the table have been obtained from signals received by the mobile from a supporting exchange."

In response to argument (A), Final office action dated February 15, 2008, claim 30, already addressed this limitation; however, the examiner would like to explain further where in column 1, lines 33-50, Kowagushi presents art where a mobile station receives signals from a supporting exchange that contain predetermined designated inhibition geographical areas. In addition, in the same Final Office Action, the examiner explained in claim 28, where "inhibition signal warnings are sent to the mobile terminal from the system which comprises "supporting exchange"; where "supporting exchange" can comprise "base station", "control center", "server", "repeater" and the like".

(B) Page 7 reads, "...Applicant has reviewed the teachings of Kowaguchi especially with regard to the transmission inhibition area table 216 and has found no teaching that the contents of table 216 were obtained from signals received by the mobile. There is nothing about the presence of information in table 216 that would inherently require that such information in the table have been obtained from signals received by the mobile from a supporting exchange... The information contained in table 216 could have been resident in the mobile at the time the mobile was initially acquired by the user from a service provider. Alternatively, the table 216 could be contained in an EEPROM or other type of programmable memory that could be inserted into the mobile. In any event, there is nothing inherent about the presence of information in table 216 that would require that this information have been derived from signals received by the mobile from a supporting exchange. In accordance with In re."

In response to argument (B), as already explained above, the prior art mentioned in the Kowaguchi reference have taken care of this limitation; however, given arguendo, the examiner would like to explain where, even if Kowaguchi does not teach the limitation in question, the prior art presented teaches it; therefore, the Kowaguchi invention can be modified to include where the data stored in tables 216 can be data of inhibition locations that are communicated to the MS from the BS, control center, server, etc..., as taught in column 1, lines 35-50 in the Kowaguchi reference.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 28 and 30 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
3. Claims 29, 31-35 depend on claims 28 and 30; therefore, they are rejected for the same reasons as set forth above.

The Examiner was not able to find, in the specifications, support for the limitation "an area of high communication traffic". The examiner found in paragraphs 11 and 22 a description that supports high traffic areas that relate to vehicular traffic not to communication traffic. For purposes of examination, the new limitation will be temporarily considered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowaguchi (Kowaguchi, Satoshi; US patent No.: 6,201,973 B1) in view of Deluca et al. (Deluca, 2002/0115429 A1).

Regarding claim 28, Kowaguchi teaches of a method implemented in a communication device comprising the steps of: receiving signals at the mobile communication device from a supporting exchange where the signals contain predetermined locations for one or more designated geographic areas (column 1, lines 37-50); storing in a mobile communication device one or more designated geographical areas (figure 3, item 216 and columns 3 and 4, lines 14-26, 57-59 and 17-26, respectively); determining, by the mobile communication device, when the mobile communication device is within one of one or more designated geographical areas (column 5, lines 25-39), preventing activation of an audible incoming call indicator in the mobile communication device while the mobile communication device is within one of the one or more designated geographical areas (column 5, lines 25-39; where notification can be received by other means: e.g., visual or by no other means at all) Kowaguchi further teaches of generating a prevent activation control signal by the mobile communication device to prevent activation of the audible incoming call indicator at the mobile communication device in response to receipt of the first signal (column 4, lines 14-26). Kowaguchi further teaches of receiving at the mobile communication device a first signal from a supporting exchange representing that the one of the one or more designated geographical areas (column 1, lines 33-55, where it is clearly indicated that prior art teaches where inhibition signal warnings are sent to the mobile terminal

from the system which comprises "supporting exchange"; where "supporting exchange" can comprise "base station", "control center", "server", "repeater" and the like); and preventing activation of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal (column 1, lines 46-50).

Kowaguchi does not specifically teach where one or more designated geographical areas comprise one or more high traffic areas.

In related art, concerning a wireless voicemail forwarding of a truncated call Deluca teaches where one or more designated geographical areas comprise one or more high traffic areas (paragraph 3, "where insufficient network capacity is due to "high communication traffic").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Kowaguchi's communication device location information for one or more designated geographical areas with Deluca 's "insufficient network capacity" areas, in order to intentionally truncate calls.

Regarding claim 29, Kowaguchi and Deluca teach all the limitations of claim 28.

Kawaguchi further teaches the step of transmitting to the mobile communication device location information for the one or more first high traffic areas where use of audible incoming call indication is restricted figure 4 shows different transmission inhibition areas). Deluca further teaches of interruption in high communication traffic areas (paragraph 3, where once the communication is interrupted, the audible incoming call is interrupted, no connection is established).

Regarding claim 30, Kowaguchi teaches of a method comprising the steps of: storing in a mobile communication device location information for one or more designated geographical areas (figure 3, item 216 and columns 3 and 4, line 57-59 and 17-26, respectively); determining, by the mobile communication device, when the mobile communication device is within one of the one or more designated geographical areas (column 5, lines 25-39); and preventing one or more outgoing calls from the mobile communication device while the communication device is within one of the one or more designated geographical areas (column 4, lines 14-26 and figure 3, item 216). Kowaguchi further teaches of receiving at the mobile communication device a first signal from a supporting exchange representing that the one of the one or more designated geographical areas (column 1, lines 33-45); and preventing activation of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal (column 1, lines 46-50), and generating at the mobile communication device in response to receipt of the first signal, a control signal utilized in the mobile communication device to prevent the mobile communication device from initiating any transmissions to the supporting exchange as part of one or more outgoing calls in response to receipt of the first signal and in response to a user input associated with an attempted initiation the outgoing call (column 1, lines 33-55, where it is clearly indicated that prior art teaches where inhibition signal warnings are sent to the mobile terminal from the system which comprises "supporting exchange"; where "supporting exchange" can comprise "base station", "control center", "server", "repeater" and the

like); and preventing activation of the audible incoming call indicator in the mobile communication device in response to receipt of the first signal (column 1, lines 46-50).

Kowaguchi does not specifically teach where one or more designated geographical areas comprise one or more high traffic areas.

Deluca teaches where one or more designated geographical areas comprise one or more high traffic areas (paragraph 3, "where insufficient network capacity is due to "high communication traffic").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Kowaguchi's communication device location information for one or more designated geographical areas with Deluca's "insufficient network capacity" areas, in order to intentionally truncate calls.

Regarding claim 31, Kowaguchi and Deluca teach all the limitations of claim 30. Kowaguchi further teaches the step of receiving at the mobile communication device location information for the high communication traffic area where outgoing calls are restricted (figure 4 shows different transmission inhibition areas).

Deluca further teaches of the high communication traffic areas (paragraph 3).

Regarding claim 32, Kowaguchi and Deluca teach all the limitations of claim 28. Kowaguchi further teaches where the step of receiving at the mobile communication device a first signal comprises receiving the first signal via a wireless transmission a from the supporting exchange (columns 4 and 5, lines 14-26 and 25-39).

Regarding claim 33, Kowaguchi and Deluca teach all the limitations of claim 30. Kowaguchi further teaches where the step of receiving at the mobile communication

device a first signal comprises receiving the first signal via a wireless transmission a from the supporting exchange (columns 4 and 5, lines 14-26 and 25-39).

Regarding claim 34, Kowaguchi and Deluca teach all the limitations of claim 28. Kowaguchi further teaches of displaying indicia by the mobile communication device indicating that the latter is in a restricted area upon receipt of the first signal from the supporting exchange (columns 4 and 5, lines 14-26, 56-63 and 25-39, respectively).

Deluca further teaches that the mobile communication device is in a high communication traffic area (paragraph 3).

Regarding claim 35, Kowaguchi and Deluca teach all the limitations of claim 30. Kowaguchi further teaches of displaying indicia by the mobile communication device indicating that the latter is in a restricted area upon receipt of the first signal from the supporting exchange (columns 4 and 5, lines 14-26, 56-63 and 25-39, respectively).

Deluca further teaches that the mobile communication device is in a high communication traffic area (paragraph 3).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 6:00 a.m. - 2:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

/P. M. A./
Examiner, Art Unit 2618

May 1, 2008

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618